



Virginia Indian Advisory Board

Board Meeting

Friday, March 25, 2022

10:00am – 12:00pm

Patrick Henry Building

Conference Room 1

1111 E. Broad Street

Richmond, VA 23219

Virtual Meeting Option:

<https://covaconf.webex.com/covaconf/onstage/g.php?MTID=e2524f7daf9bdc55584e0442247e2ac4>

US Toll Free

+1-866-692-4530

Access code: 2447 653 6177

Minutes

This meeting of the Virginia Indian Advisory Board was held in a hybrid format, with some members and guests joining in person, some via WebEx. The Board did not take any official votes during this meeting because there was not a quorum of members (4 out of 7) gathered in person.

Board members attending in person:

Brandon Custalow, Chair;

Julie Langan

Board members attending virtually:

Cami Adkins

Young Brinson

Dr. Ashley Spivey

Absence excused:

Rosa Atkins

Gregg Kimball



Welcome

VIAB Chair, Brandon Custalow welcomed Board members and guests in attendance virtually and in person.

Secretary of the Commonwealth, Kay Coles James and Deputy Secretary Jenna Moon joined the meeting to welcome members and guests as the Governor's official liaison to Virginia tribes.

Secretary James offered to the Board that her goal is protect the process they oversee, and to ensure that the process is fair, transparent, and open.

Meeting Overview

Chair Custalow reviewed FOIA requirements for public bodies and provided an overview of the meeting as an information-gathering session where the Board would discuss pertinent matters but not take any official votes. Meeting minutes were not approved due to the lack of quorum but members informally agreed they did not have any edits.

Workgroup Decision Process

The Board discussed the State Recognition Workgroup's progress and the inquiry from Buck Woodward, Workgroup Chair, about sending a letter to request additional information from a petitioner.

Discussion:

- Dr. Ashley Spivey related that in federal recognition procedures, requests for additional information from the petitioner would come at the end of the process.
- Young Brinson concurred with Dr. Spivey that the state process should follow that of the Office of Federal Acknowledgment.
- Chair Custalow suggested that the primary burden of the workgroup is to consider the petition in a timeline that is fair and reasonable to the petitioner, and that additional requests for information could jeopardize reaching a decision before the required deadline.

An unofficial decision was made by the Board to direct the Workgroup to document any gaps in information as they review the petitioner's evidence, and to present those gaps to the Virginia Indian Advisory Board in their culminating recommendation. The Board could then assess the option to request additional information from the petitioner and potentially reconvene the Workgroup if new evidence or materials were introduced.

The Board also discussed correspondence sent to the Secretary of the Commonwealth's office concerning the current petition. The Board engaged in a dialogue about whether the Board should hear input from individuals or groups unaffiliated with the petitioning group, and the process in which that could be done.



The Board agreed to revisit guidelines on how the Workgroup and the Board may navigate requests for information and input from the public, at a future Board meeting.

Board members also discussed the rigor and dedication of the Workgroup in reviewing the current petition, and commended Workgroup members for their contributions.

Public Comment:

Public comment was offered at 10:45am; virtual guests were given the opportunity to unmute their microphones and address the Board; guests joining in person were offered the same.

- Bill Heard, attorney representing the Wolf Creek Tribe, related that he looks forward to seeing any requests for additional documentation in the petition for state recognition.
- Chief Terry Price, Wolf Creek Tribe, offered that the Workgroup and the Board should make their recommendation based off the information presented by the petitioner and not take input from unaffiliated individuals or groups into consideration.
- Annette Price, Wolf Creek Tribe, offered that there are not currently any official mechanisms for individuals or groups to provide input on an active petition for state recognition, and as such, those individuals should direct their comments through the Office of the Secretary of the Commonwealth. Mrs. Price also requested that the Board consider setting concrete metrics for the burden of proof/evidence required for state recognition.

Adjournment:

Chair Custalow adjourned the informal information session at 10:55AM